

1 **BILL NO. 2008-48**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO UPDATE THE NOTICE REQUIREMENTS AND APPROVAL**
4 **PROCEDURES FOR VACATING RIGHTS-OF-WAY, EASEMENTS AND GOVERNMENT**
5 **PATENT RESERVATIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

6 Proposed by: Jorge Cervantes, Director of Public Works Summary: Updates the notice requirements and approval procedures for vacating rights-of-way, easements and government patent reservations.

7 **THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN**
8 **AS FOLLOWS:**

9 **SECTION 1:** Title 18, Chapter 20, Sections 50 and 60, of the Municipal Code of the
10 City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

11 **SECTION 2:** Title 18, Chapter 20, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by adding thereto two new sections, designated respectively
13 as Sections 50 and 60, reading as follows:

14 **18.20.050:** (A) In the case of a petition for the vacation of a dedicated right-of-way, the
15 Planning Commission shall hold a public hearing on the petition for vacation. Thereafter, the
16 Planning Commission shall make its finding regarding the petition by way of recommendation, and
17 shall report that recommendation to the City Council.

18 (B) The City Council shall consider the recommendation at a public hearing. Not
19 less than ten business days before the public hearing, notice of the hearing, setting forth the extent of
20 the proposed vacation and setting the date for the hearing, shall be:

21 (1) Sent by mail, sufficient to meet the requirements of NRS 278.480, to
22 each owner of property abutting the proposed vacation; and

23 (2) Published at least once in a newspaper of general circulation in the City.

24 (C) If, following the public hearing, the City Council is satisfied that the public will
25 not be materially injured by the proposed vacation, it may order the right-of-way vacated. The City
26 Council may make the order conditional, and the order shall become effective only upon the
27 fulfillment of the conditions prescribed.

28 **18.20.060:** (A) In the case of a petition for the vacation of an easement or government patent

1 reservation, the Planning Commission shall hold a public hearing on the petition. Not less than ten
2 business days before the public hearing, notice of the hearing, setting forth the extent of the proposed
3 vacation and setting the date for the hearing, shall be:

4 (1) Sent by mail, sufficient to meet the requirements of NRS 278.480, to
5 each owner of property abutting the proposed vacation; and

6 (2) Published at least once in a newspaper of general circulation in the City.

7 (B) Following the public hearing, the Planning Commission shall take final action
8 on the petition. If the Planning Commission is satisfied that the public will not be materially injured
9 by the proposed vacation, it may order the easement or government patent reservation vacated. The
10 Planning Commission may make the order conditional, and the order shall become effective only upon
11 the fulfillment of the conditions prescribed. In the case of a government patent reservation, the order
12 may take the form of a relinquishment of interest or its equivalent, and the order shall be treated as
13 an order of vacation under the provisions of this Chapter.

14 SECTION 3: Title 18, Chapter 20, Section 70, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **18.20.070:** If a utility has an easement over any dedicated right-of-way which is vacated, the City
17 Council shall provide in its order for the continuation of that easement. [When the City Council
18 vacates its interest in U.S. Government Patent Reservations,] In the case of a vacation of the City's
19 interest in a government patent reservation, easements for utilities will not be retained because they
20 are not included within the City's interest and, therefore, are not affected by vacation of the City's
21 interest.

22 SECTION 4: Title 18, Chapter 20, Section 80, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **18.20.080:** [Whenever the City Council approves] Following the approval of a vacation, all
25 applicable City code requirements and design standards of all City departments must be met prior to
26 recordation of the Order of Vacation.

27 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
28 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

1 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
6 invalid or ineffective.

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

11 APPROVED:

12
13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BEVERLY K. BRIDGES, CMC
City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 9-17-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, CMC
City Clerk

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